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AD HOC COMMITTEE ON THE INDIAN OCEAN

SUMMARY RECORD OF THE 388th MEETING

Held at Headquarters, New York,
on Thursday, 18 April 1991, at 10.30 a.m.

Chairman: Mr. KALPAGE (Sri Lanka)

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The meeting was called to order at 11.20 a.m.

GENERAL DEBATE (continued)

1. Mr. POERNOMO (Indonesia) said that the primary objective at the current stage was to ensure the convening of the International Conference on the Indian Ocean. His delegation was concerned about the possible ramifications of delay in implementing the Declaration of the Indian Ocean as a Zone of Peace, which had been adopted nearly two decades earlier.

2. It was regrettable that unresolved problems threatened to undermine the very concept of the establishment of a zone of peace. The Committee's deliberations had become locked in a cycle of essentially restating the same positions based on narrow national or alliance interests. Not only did such an approach not advance efforts to convene the Conference, but it also undermined collective efforts to achieve the goals proclaimed in the Declaration and reflected to a degree a lack of political will to solve a situation which threatened to erode further the determination to seek viable alternatives to a potentially destabilizing situation.

3. In spite of the fact that there was a degree of stability in the situation in Europe and conditions in the Middle East following the Gulf war might herald the dawn of new relations among the States directly involved, the major Powers still maintained and were augmenting their naval forces in the Indian Ocean. Because of its geostrategic location, Indonesia was deeply concerned over the build-up of naval armaments, and especially the rapid development of new naval arms systems. There had been an increasing nuclearization of the Indian Ocean, both in weapons and support systems; that had added a new and more dangerous dimension to the arms race and might have an adverse impact on international maritime commerce and the peaceful exploitation of marine resources. Naval forces must not be isolated from the global security context and the legitimate security needs of coastal States.

4. The question of establishing a nuclear-weapons-free zone as a fundamental aspect of zonal peace was viewed by his delegation in the context of efforts to establish a zone of peace, freedom and neutrality in South-East Asia.

5. It was absolutely clear that the inordinate delay in convening the Conference had in no way served the interests of either the littoral and hinterland or the extraregional Powers. His delegation was convinced that the convening of the Conference would facilitate the resolution of a complex set of problems and open up areas of new understanding, leading ultimately to appropriate agreements.

6. The current international situation was conducive to the speedy implementation of the Declaration. The political and security situation had been normalized at the regional level. Significant progress had been made in the Ad Hoc Committee on the draft agenda and on identifying substantive

(Mr. Poernomo, Indonesia)

elements. It was therefore imperative to seize those positive developments and step up efforts to overcome differences. The complex problems before the Committee could be resolved only comprehensively in the framework of the International Conference on the Indian Ocean.

IMPLEMENTATION OF GENERAL ASSEMBLY RESOLUTION 45/77 (continued) (A/AC.159/L.61)

(a) WORK ON THE SUBSTANTIVE AND ORGANIZATIONAL ISSUES RELATED TO THE CONFERENCE ON THE INDIAN OCEAN IN ACCORDANCE WITH RESOLUTION 45/77

7. The CHAIRMAN said that, at earlier meetings of the Committee agreement had been reached on 30 of the 63 rules of procedure, with the exclusion of rule 14 bis. The Committee had decided to consider rule 16 together with rules 31 and 32.

8. With regard to rule 14 bis, the Secretary of the Committee had received a clarification from the Legal Counsel. The latter had indicated that the Secretary-General of the Conference, who was dealt with in rule 14 bis, would be appointed by the Secretary-General of the United Nations prior to the Conference. Accordingly, all members would know by the beginning of the Conference who the Secretary-General of the Conference would be. The wording of the rule as it stood was correct from the legal point of view. However, if members of the Committee so desired, the rule could be reworded in accordance with the proposal by the representative of Yemen. As to where the rule should be placed in the document, the Legal Counsel had advised that, in accordance with the usual procedure, such provisions were included in a separate section of the rules of procedure, although there were no convincing reasons why rule 14 bis could not be placed after rule 14. The Chairman invited the members of the Committee to state their views on the wording of the provision and on where it should be inserted.

9. Mr. JAIN (India) suggested that, in the light of the Legal Counsel's conclusions and the results of the Committee's previous discussion of the matter, and since the representative of Yemen was not pressing his proposal for amendment, the paragraph could be left unchanged.

10. The CHAIRMAN said that, in the absence of any objections, rule 14 bis would remain unchanged and would be placed after rule 14. He invited the Committee to take up the new text of rule 31.

11. Mr. JAIN (India) noted that rule 31 was a combination of rules 31 and 32 and the second part of rule 16. In the light of the Committee's consideration of the matter at its meeting the preceding afternoon, an amendment had been introduced in paragraph 1 of rule 31 at the behest of Mauritius.

12. With regard to paragraph 2, some doubts had been expressed with respect to the advisability of the first part of the paragraph. In his opinion, the substantive parts of the report of the Conference would not necessarily

(Mr. Jain, India)

include decisions on substantive issues, because there was a clear procedure for decision-making on such issues.

13. The wording of the second part of paragraph 2 represented a compromise which would make it possible to reflect the broad spectrum of opinion at the Conference. The provision was predicated on the view that no country should be given a veto, since to do so would create serious difficulties for the work of the Conference. It was envisaged that decisions on substantive questions would be taken by a two-thirds majority of the representatives present and voting, provided that such majority also included at least a majority of the States participating in the Conference.

14. With regard to paragraph 3 as presented, there had been only one remark concerning the duration of the cooling-off period for the taking of decisions. The 72-hour period was possibly too long and could be shortened.

15. Paragraph 4 was in line with footnote 5 to paragraph 2 of rule 32 of the draft provisional rules of procedure of the conference contained in document A/AC.159/L.61.

16. Paragraphs 5 and 6 reproduced in their entirety paragraphs 2 and 3, respectively, of the above-mentioned rule. Paragraph 6 contained a phrase within square brackets. His delegation had no objection to removing the brackets or to the deletion of the text within them.

17. Since paragraph 7 did not accurately reflect what had been intended, the paragraph should be reworded on the basis of the second sentence of rule 16 of the draft provisional rules of procedure of the conference as amended by India, the text of which had been introduced as paragraph 7 of the document before the Committee. Accordingly, paragraph 7 would read: "for a decision on any matter of substance the presence of representatives of two thirds of the States participating shall be required."

18. The CHAIRMAN recapitulated the clarifications provided by the representative of India on the paper before the Committee and invited members to state their views.

19. Mr. CURE (Mauritius) sought clarification as to whether a refusal to participate in a consensus on the adoption of the report of the Conference would not create the danger of a failure of the Conference, even if the report itself did not deal with substantive matters.

20. With respect to paragraph 3, his delegation did not see a need for a cooling-off period. There were established procedures of work, and the introduction of limitations could slow down the diplomatic process aimed at achieving a consensus. A flexible approach was required. In that regard, there was also no need to retain paragraph 4.

(Mr. Cure, Mauritius)

21. In his opinion, the phrase enclosed in square brackets in paragraph 6 should be deleted, as should paragraph 7, since reference had already been made to a two-thirds majority in votes on matters of substance. However, he did not insist on those changes.

22. Mr. ZIMBA (Mozambique) supported the observations made by the representative of Mauritius. With respect to paragraph 2, it was not advisable to retain the phrase "such majority shall include at least a majority of the States participating in the Conference", since that had been reflected to some degree in the draft provisional rules of procedure in the part which dealt with a quorum.

23. Referring to the procedure recommended in paragraph 3, he said that a cooling-off period was not required; in addition, the phrase contained in square brackets in paragraph 6 should be deleted.

24. Mrs. MULAMULA (Tanzania) said that she could not agree with the text of paragraph 2, which dealt with the adoption of the report. The Conference's decision did not need to be reflected in the substantive parts of the report, since the report could not be considered without reference to the decisions taken by the Conference. The question also arose whether the adoption of the report was a matter of substance or procedure. Since the issue was not clear, that part of the rule should not be retained. It was also advisable to delete the second part of paragraph 2, inasmuch as it would be included in the section of the rules of procedure which dealt with a quorum.

25. She agreed with the representatives of Mauritius and Mozambique that there was no need for a cooling-off period. If the Conference lasted as long as a session of the General Assembly, it might make sense to provide for a cooling-off period; however, since the Conference would last only five days and decisions would be adopted during its final stage, such a period was inadvisable. She believed that paragraph 4 was superfluous and that the phrase enclosed in square brackets in paragraph 6 should be deleted.

26. Since the formulation contained in paragraph 7 had been included in rule 16 of the rules of procedure, there was no need to include it in rule 31.

27. Mr. CHOWDHURY (Bangladesh) said that, in the heading of rule 31, the words "Majority required" should be deleted, since that rule dealt with both a required majority and a consensus. Moreover, there was no need for a cooling-off period. In paragraph 6, the phrase in square brackets should be deleted.

28. Ms. COURTNEY (Australia) said that the section of the rules of procedure dealing with decision-making was extremely important; that was why she could not support any proposals on amendments to that section until she received clear instructions from her Government, However, she wished to make a number of observations on the draft text of rule 31. The paragraph concerning the adoption of the substantive parts of the Conference's report should be

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retained, since it was understood that those parts would deal with the creation of a zone of peace in the Indian Ocean. Such a decision should not be voted upon but should be adopted by consensus. Furthermore, there was no need for a cooling-off period.

29. There appeared to be a certain amount of duplication in some of the other paragraphs. She agreed with the representatives who considered that, in voting on decisions, a two-thirds majority of the States participating in the Conference was not required. In that regard, it would be more appropriate to speak of a quorum.

30. With regard to whether a matter was one of substance or procedure, she read out the text of paragraph 3 of rule 28 of the rules of procedure of the Conference of States Parties to the Treaty Banning Nuclear Weapons Tests in the Atmosphere, in Outer Space and under Water, which stated that the President of the Conference decided on such matters; that formulation should be taken into account.

31. Mr. POERNOMO (Indonesia) said that he supported the representative of Australia. It should be up to the President of the Conference to decide whether a matter was one of procedure or substance, following the provision contained in the rules of procedure mentioned by the representative of Australia. He believed that a cooling-off period was unnecessary and that paragraph 4 was superfluous; in paragraph 6, the phrase in square brackets should be deleted.

32. Mr. BANDARA (Sri Lanka) supported the proposal made by the representative of Bangladesh to delete the words "Majority required" in the heading of rule 31. He agreed with the representatives of Mauritius, Mozambique and Tanzania that it was not advisable to refer to a cooling-off period in rule 31. He also agreed with other representatives that there was no need to retain paragaph 7 in the text of that rule.

33. Mr. KATSIGI (Uganda) said that problems arose with respect to the interpretation of "consensus", since that word had different meanings and applications.

34. He supported the representatives who had pointed to the inadvisability of providing for a cooling-off period. In addition, the phrase contained in square brackets in paragraph 6 should be deleted.

35. Mr. MAHMOOD (Pakistan) said that his delegation would prefer to retain the wording of rules 31 and 32 as contained in document A/AC.159/L.61.

36. The CHAIRMAN, summarizing the discussion, said that the view had been expressed that the heading for draft rule 31 did not accurately reflect its contents since the rule was not limited to the question of the majority required. In that connection, a proposal had been made to delete the subheading. Nevertheless, as the Secretary of the Committee had pointed out, each draft rule of procedure had its own heading. The Chairman therefore suggested that the heading for draft rule 31 should be amended to read: "Consensus and the majority required". If he heard no objection, he would take it that that suggestion was adopted.

37. It was so decided.

38. The CHAIRMAN said that, since no delegation had raised any objections to draft rule 31 (1), he would take it that the Committee wished to retain it in its current form.

39. It was so decided.

40. The CHAIRMAN said that no objections had been raised either with regard to paragraphs 5 and 6, except for the proposal to delete the words in square brackets in paragraph 6. If he heard no objection, he would take it that the Committee agreed to adopt paragraph 5 and paragraph 6 with the deletion of the words in square brackets.

41. Ms. COURTNEY (Australia) said that, since she did not have instructions from her Government at that time, she was unable to take a decision as to whether the words in square brackets in paragraph 6 should be deleted.

42. Mr. JAIN (India) said that, in view of the agreed text of draft rule 31 (2), his delegation would not insist on retaining the provision contained in the square brackets in paragraph 6.

43. The CHAIRMAN said that practically all delegations had objected to the provision in paragraph 3 concerning a cooling-off period of up to 72 hours.

44. Mr. JAIN (India) said that his delegation would not insist on its proposed amendment to paragraph 3. If that provision of paragraph 3 was deleted, paragraphs 3 and 4 could be combined.

45. The CHAIRMAN took note of the statement by the representative of India and said that it would promote efforts to reach a consensus on draft rule 31. With regard to paragraph 2, he said that most delegations had raised objections to the first part of that paragraph and also the provision concerning a required majority of the States participating in the Conference.

46. Mr. JAIN (India) explained his country's position and, in particular, proposed the deletion of the first part of paragraph 2 of draft rule 31.

47. Mr. CURE (Mauritius) requested an explanation of the phrase in paragraph 2 "the adoption of the substantive parts of the report". He wondered whether that meant the adoption of the report as the final document of the Conference, as the representative of Uganda had stated, or whether it merely referred to the procedural approval of part of the report. Although he was generally prepared to support the proposed formulation of that paragraph, he pointed out that the phrase "as determined in accordance with paragraph 4" implied that paragraph 4 had already been adopted, although that was really not the case. Furthermore, the criteria for determining that all efforts to reach a consensus had been exhausted were not clear. Guidelines should be established to make it possible to determine whether all such efforts had been exhausted.

48. Mr. MAHMOOD (Pakistan) proposed adhering to the principle of a "gentlemen's agreement", particularly, in order to promote the reaching of agreement among participants, inter alia, for the adoption of the substantive parts of the report by consensus.

49. Mr. SHA Zukang (China) said that he wished to know how one could ensure that a two-thirds majority of the States present and voting really included a majority of the countries participating in the Conference. That was not an idle question: only 15 out of 39 delegations were participating in the current meeting. The others, apparently, were not interested in the questions under discussion. If it was possible to find a solution to that problem, he could support the proposal by India. With regard to the practice established at numerous previous conferences, the question of the precedents to be used should be taken up by the participants in the Conference themselves, with account taken of its specific nature. It also seemed necessary to eliminate the contradiction between paragraph 2 and the phrase contained in square brackets in paragraph 6.

50. Mr. HAGOSS (Ethiopia) stressed the importance of reaching a broad agreement on questions of substance and taking decisions by consensus since their implementation would require wide support. There was no need for any particular division in the report of the Conference since the criteria for distinguishing between procedural questions and questions of substance had already been laid down. He agreed with the representative of India that even if decisions were adopted in accordance with the rule concerning a two-thirds majority of the delegations present and voting, it was essential to establish a certain weighted index for presence so that the decisions to be taken were supported by at least a majority of the participants in the Conference. Otherwise, it would be difficult to ensure their implementation, even if they were adopted mechanically.

51. He was prepared to support the other proposed amendments also, in particular those put forward by the representative of India. At the same time, it seemed preferable to adopt a rather simple rule, which would stress the need to reach a consensus. In the final analysis, the basic task was to implement the Declaration, whose main objective was to ensure stability and

(Mr. Hagoss, Ethiopia)

peace in the region, and that could be achieved only with the support of the majority. Otherwise, the document adopted at the Conference would be an impediment.

52. Ethiopia hoped that it would be possible to reach agreement even with those delegations which were not participating at the current meeting. It should be kept in mind that the success of any further efforts would depend on whether the Colombo Conference was truly universal and whether it would be possible to adopt at the Conference a Declaration supported by a majority of the members of the international community. If not, the holding of the Conference would not serve any purpose.

The meeting rose at 1.05 p.m.